

EUROPEAN PARLIAMENT

Working Documents

1982 - 1983

3 May 1982

DOCUMENT 1-110/82

REPORT

drawn up on behalf of the Committee on the
Environment, Public Health and Consumer
Protection

on the proposal from the Commission of the
European Communities to the Council
(Doc. 1-935/80 - COM(81) 5 final) for a
directive on the approximation of the laws
of the Member States relating to materials
and articles made of regenerated cellulose
film intended to come into contact with
foodstuffs

Rapporteur: Mr A. GHERGO

By letter of 19 February 1981 the Council of the European Communities requested the European Parliament, pursuant to Article 43 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive relating to materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs.

On 9 March 1981 the President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the Committee responsible.

At its meeting of 19 March 1981 the Committee appointed Mr Ghergo rapporteur; it considered the proposal for a directive at its meeting of 1 April 1982 and at the same meeting approved the proposal and the draft report unanimously.

Present: Mr COLLINS, chairman; Mr GHERGO, rapporteur; Mr ALBER, Mr BERKHOUWER, Miss HOOPER, Mrs LENTZ-CORNETTE, Mr MERTENS (deputizing for Mr DEL DUCA), Mr MOORHOUSE (deputizing for Mr FORTH), Mr MUNTINGH, Mrs SCHLEICHER, Mr SHERLOCK, Mrs SPAAK, Mrs SQUARCIALUPI and Mr VERROKEN (deputizing for Mr MCCARTIN).

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The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of Member States relating to materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council (COM(81) 5 final)¹
- having been consulted by the Council (Doc. 1-935/80),
- having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. 1-110/82),
- 1. Agrees with and supports in principle any measures designed to safeguard public health and is therefore in favour of the adoption of Community rules in the area covered by the Commission's proposal;
- 2. Notes that the problem of the correct use of cellulose film packaging and indeed of all types of packaging materials intended to come into contact with foodstuffs has, because of the increasingly widespread distribution of foodstuffs on an industrial scale, become a matter of importance as regards both public health protection and its economic and social implications;
- 3. Points to the need, therefore, in view of the increasingly high level of trade, for measures to be taken to harmonize national legislation so as to achieve better protection of public health, while at the same time safeguarding the legitimate industrial and commercial interests at stake, since the aims of the Treaty of Rome include not only public health protection but also the removal of any direct or indirect barriers to the free movement of industrial products;
- 4. Believes that the proposal for a directive, which is intended to implement in this specific sector the general principles already laid down in the framework Directive of 23 November 1976 on materials and articles intended to come into contact with foodstuffs, provides a correct and consistent interpretation of the guidelines given in the framework directive and should therefore be supported;

¹ OJ No. C 235, 15.9.1981, p. 3

5. Calls on the Commission to encourage and/or support all study and research projects aimed at achieving the highest possible level of safety for the consumer;
6. Delivers a favourable opinion on the adoption of this directive by the Council.

EXPLANATORY STATEMENT1. Introduction

Under certain conditions, packaging materials used for foodstuffs are known to transfer the substances used in their manufacture to the foodstuffs themselves. Such substances, if toxic, represent a risk for the consumer. Accordingly, most of the Member States of the Community have drawn up regulations (in the form of laws, recommendations, codes of practice) designed to avoid, or reduce to the lowest achievable level, risks connected with the use of packaging materials.

Regenerated cellulose film is one of the materials used for foodstuffs packaging and, as such, is covered by specific regulations in Italy, Belgium and the Federal Republic of Germany. It is also covered by general rules in France, the Netherlands, the United Kingdom and Denmark.

Regenerated cellulose film is a thin sheet material produced by chemically dissolving a derivate of highly refined cellulose obtained from wood or cotton that have not been recycled, and subsequently regenerated the pure cellulose by chemical precipitation. To meet technical requirements, suitable additives are incorporated, either in the mass or on the surface. Regenerated cellulose film can be coated on one or both sides.

Although they have the same aim, to protect the consumer, the various regulations propose different methods of achieving that protection and hence represent a technical barrier to Community trade.

In order to achieve harmonization of the regulations in question, the Council adopted a framework directive on 23 November 1976 which laid down the general principles, criteria and procedures for drawing up specific directives relating to certain groups of materials (e.g. ceramics, plastics, paper and paperboard).

Parliament, in its opinion on the framework directive, asked the Commission to submit the specific implementing directives as soon as possible. Three specific directives have already been submitted to the Council. The first involves ceramic articles, the second materials and articles containing vinyl chloride monomer and the third plastics materials. This proposal is thus the fourth specific directive.

2. Content of the directive

The regulations on regenerated cellulose film proposed in this directive originate from the current provisions in force in Belgium, Italy and Germany. They are based largely on the definition of an 'approved list', i.e. a list of substances authorized to be used in the manufacture of regenerated cellulose film. Maximum quantities are laid down concerning the use of such substances, especially additives which are likely to 'migrate', in order to limit to the technologically indispensable minimum their presence in the finished product. This reduces the risk of food contamination.

Substances other than those included in the abovementioned list may be used when the substances are employed as colouring matter (dyes and pigments) provided there is no migration of the substance into or onto foodstuffs.

The Commission has not drawn up an approved list for dyes, since it was felt sufficient to apply the principle of non-migratability, which has to be confirmed by highly sensitive and safe methods. Until there is a Community directive national standards currently in force regarding purity criteria will continue to apply.

3. Comments

The principle of the approved list is certainly the best way of safeguarding public health and consumer interests since allowing the use of substances which are already known to be harmless protects the consumer from any possible risk. The system of prohibited substances would mean that a substance would be banned only after it had already proved harmful in use.

It should also be borne in mind, as the Commission points out, that the Advisory Committee on Foodstuffs (which comprises industrial, consumer, agricultural, trade and worker representatives) has delivered an opinion in favour of adoption of this proposal for a directive and of its approach.

On examination of the directive it can be concluded that the regulations more than protect the health of the consumer without putting undue strain on European industry.

In conclusion, therefore, our Committee should propose that Parliament deliver a favourable opinion on the proposal from the Commission of the European Communities for a directive on the use of materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs.